

**Clifton Heights Borough Council**  
**Meeting Minutes**  
**January 19, 2010**

**Present:**

Anthony Casadei, Council President  
Edward Martin, Council Vice President  
Mario Alpini, Councilman  
Betsy Berry, Councilwoman  
Leona Papale, Councilwoman  
Harris Resnick, Councilman (Arrived Late)  
Jane Tumolo, Councilwoman  
Robert Penjuka, Councilman

**Others Present:**

Joseph Kelly, Mayor  
Frank Catania, Borough Solicitor (Arrived Late)  
Bob Poole, Borough Manager  
Tony Tartaglia, Code Enforcement

**Pledge of Allegiance**

**Prayer Led By Councilman Martin**

**Public Comment:**

Fred Rich, 82 Chester Ave., said that he would like to have Officer Caputo removed from the premises.

President Casadei said that the request was denied.

Mr. Rich said that he was in fear for his safety because Officer Caputo has a fully loaded pistol. Mr. Rich said that he would like it on the record that he fears for his safety.

President Casadei said that he wasn't going anywhere and that Mr. Rich should continue because he was working on his 3 minutes.

Mr. Rich said that he wanted to make a comment about the tax increase. He said that the tax increase that they voted on last month was an absolute disgrace. He said that the increase was to 11.5 mills and that he looked in the newspaper yesterday and saw that there were only 3 boroughs that were higher than the Borough of Clifton Heights, and that is Darby, Colwyn and Millbourne. He said that they have one of the highest tax millage rates in all of Delaware County. He said that the only reference to the tax increase was to this one section in the Daily Times, which he read, "Clifton Heights Council recently adopted a preliminary budget. Borough Officials cited uncontrollable circumstances, such as high health care costs as the reason for the tax hike. 'We are experiencing increases at a rate higher than taxes,' financial manager Cynthia Leitzell said at a recent Council meeting." Mr. Rich asked about uncontrollable expenses. He said that if they cannot control the expenses, then the people that voted for the tax increase should think about resigning and getting competent people on the Council that can control the tax increases. He said that uncontrollable is admitting that they cannot control the tax increase.

Mr. Rich said that his major complaint tonight should have been provided to the Council. He said that he filed a complaint with the District Attorney's office and Mayor Kelly about Officer Caputo and his refusal to remove a vehicle that was obstructing Chester Ave., directly in front of his house for about 2 days. He said that when Officer Caputo did come down, he refused to take any action against this car, which was obstructing Chester Ave. and recklessly endangering the residents of Clifton Heights. Mr. Rich asked Mayor Kelly what he intended to do.

Mayor Kelly said that he intended to answer Mr. Rich's letter.

Mr. Rich said that was Christmas Day and he has yet to receive a response.

Mayor Kelly said that he was still working on it.

Mr. Rich said that he should have received a response and something should have been done to Officer Caputo. He said that this is the 2<sup>nd</sup> time this has happened because last March, they had an issue with the tractor trailer at the end of their street, and Officer Caputo refused to take any action then as well.

President Casadei told Mr. Rich his time was up. He called Michelle Hartel to speak.

Michelle Hartel, 323 Harrison Ave., said that she noticed in Sunday's newspaper that there is a vacancy for any positions in the Borough. She said that Norwood had something in the newspaper about vacancies that they had, for example the Borough Manager. She said that she wanted to know if there was a position that became open in Clifton Heights if it would be advertised.

President Casadei said that they would not be able to discuss anything like that until it came to pass.

Mrs. Hartel said that she saw that Norwood had advertised, and she was just wondering if the same would go for Clifton Heights.

Council agreed that it would be advertised if anything came up.

### **Meeting Minutes:**

A motion was made by Councilwoman Berry to accept the meeting minutes as presented; seconded by Councilman Martin; and carried by a roll call vote of 6-1. (Alpini – no, Berry – yes, Martin – yes, Penjuke – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

### **Mayor's Report:**

Mayor Kelly said that they were starting a New Year. He said that they got through the first snowstorm, and he wanted to thank all of the employees for a job well done. He said that with the 23 inch snowstorm, Clifton Heights was one of the towns that had all of the roads cleared by Sunday and everyone was moving. He said that it was a great job.

Mayor Kelly said that as everyone heard, they all received a report & he received a letter, and he was in the process of completing his investigation and each one of the Council members would receive a copy of his response letter.

Mayor Kelly said that as they look into the New Year, and as they discussed a little in the Committee meeting, that he has received some complaints about some Borough locations that he hoped they would be able to address when they receive the funding for the year. He said that they have a tree growing out of the sidewalk down by the trolley tracks, which is their tree. He said that when the weather breaks, he hopes that will be on the agenda.

Mayor Kelly said that they should continue to look at the Baltimore Pike business district moving forward. He announced that there was another new business coming in on Springfield Rd. He said that some businesses are coming in, and he would ask the local residents to support the businesses so that they can continue to grow and be a viable part of the town.

Mayor Kelly said that finally he would like to turn the floor over to a representative from the Sacred Hearts Senior Citizens, Claudia Fagioli.

Claudia Fagioli, 132 E. Berkley Ave., said that she was representing Golden Hearts Social Club. She explained that they meet at Borough Hall the 1<sup>st</sup> & 3<sup>rd</sup> Tuesdays of each month. She said that the agendas of their meetings vary from reminiscing of olden days to voicing their strong opinions about politics and government to going on trips and enjoying lunches together and playing BINGO. She said that she would like to go on record as saying that the staff members of the Borough – the Chief of Police, the police officers, Kathy of the Police Department – have always been polite and helpful at making their gatherings at the Borough a pleasant time. She said that they have earned their respect and that they all offer their sincere appreciation for the privilege of them having access to Borough Hall for their meetings. She said that they are happy campers!

Mayor Kelly announced that he had 2 other items. He said that they still have Lion's Club calendars for sale to benefit the Scholarship fund. He said that anyone interested could see Chief Senkow or Betsy Berry or Ed Martin or Tony Casadei or Michelle Hartel. He said that they all have them available, and that they are \$25 and your number just has to hit, and you win \$25 or on Sundays you can double your money back. He said that they have awarded over 100 scholarships through this fund.

Mayor Kelly said that for Sacred Heart's 100<sup>th</sup> Anniversary Banquet, the Mayor and Council adopted a Resolution honoring Sacred Heart for their 100 years of service to the community. He said that he would ask that that Resolution become part of the permanent minutes if there was a copy available. He said that January 21<sup>st</sup> is the actual day of the 100<sup>th</sup> anniversary.

Sacred Heart Proclamation:

**SACRED HEART OF JESUS PARISH PROCLAMATION**

**WHEREAS**, the Sacred Heart Church is observing its one hundredth anniversary on January 21, 2010 with activities leading up to a Mass and Banquet on Sunday, January 17, 2010. This anniversary will involve the entire parish community consisting of everyone from children to senior citizens. The parish continues to serve the people of Delaware County, focusing on those of Polish descent, and the Church of Philadelphia with loving service to each other and to the people of their community.

**NOW THEREFORE**, the Council of the Borough of Clifton Heights pays tribute to the parishioners of Sacred Heart Church on the momentous occasion of their one hundred years of vital, valuable and impressive community service. The church's numerous contributions to Clifton Heights Borough are duly noted and acknowledged with pride, admiration and gratitude. Borough Council expresses its hope for continued growth and prosperity.

**PROCLAIMED** this 17<sup>TH</sup> day of January, 2010.

**Police Report:**

A motion was made by Councilwoman Berry to approve the police report; seconded by Councilwoman Papale; and carried unanimously by a vote of 7-0.

**Fire Report:**

A motion was made by Councilman Martin to approve the fire report; seconded by Councilwoman Berry; and carried unanimously by a vote of 7-0.

**Code Enforcement Report:**

A motion was made by Councilman Martin to approve the code enforcement report as presented; seconded by Councilwoman Berry; and carried unanimously by a vote of 7-0.

**Treasurer's Report/Bill List:**

A motion was made by Councilwoman Berry to accept the treasurer's report and pay the bills as funds become available; seconded by Councilwoman Papale; and carried by a roll call vote of 7-0. (Alpini – yes, Berry – yes, Martin – yes, Penjuck – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

**Manager's Report:**

Mr. Poole said that the Borough continues to discuss ways to improve existing recycling collections efforts. The monthly tonnage of paper collected in the two bins situated in the Borough Hall parking lot continued to grow through 2009, from a low of .81 ton in February to a record 5.03 tons in December. He said that they are actually on a regular schedule for pickup so things are going really well. He explained that the recycling facility where the Borough dropped off the collected bi-metal cans ceased accepting them at the end of 2009 and that now with the assistance of the Delaware County recycling coordinator, they have been contacting other municipalities seeking suitable alternate locations to drop off the material. He said that they're basically very close because they have one in Upper Darby Township that might be accepting bi-metal. He said that his last item on recycling was that he just received an email from the representative of Blue Mountain Recycling informing me that the recycling commodities market continues to improve and Blue Mountain is once again paying communities for single stream recycling. He said that he just received that today and that they are now paying out to communities again.

Councilwoman Berry said that she would like to have everyone's approval to have Mr. Poole set up a meeting with Blue Mountain once again so that they can get this going again.

Mr. Poole said that he would go ahead and do that.

Councilwoman Papale asked if what he said about the bi-metal meant that they weren't collecting it anymore.

Mr. Poole said that they were still picking it up but just looking for a suitable place to drop it off.

Councilwoman Papale asked where we were putting it.

Mr. Poole said that probably right now it was just on the truck.

Mr. Fabrizio explained that they were mixing it in with the metal that they pick up for right now.

Mr. Poole said that they were still receiving credit for that as being included in the recycled items that way.

Mrs. Hartel asked if single stream would allow for bi-metal to be picked up.

Mr. Poole said that the single stream would allow for everything to be recycled at once.

Mr. Poole said that his 2<sup>nd</sup> item was the 2010 Tax and Revenue Anticipation Note. He said that as part of the 2010 budget process, Clifton Heights once again solicited bids from nearby banks for the annual Tax and Revenue Anticipation Note (TRAN) in the amount of \$300,000. The TRAN is a short term funding note which allows the Borough to cover expenditures at the beginning of the tax year until the tax bills are issued in February. Solicitations were made to six banks with three bids being received. TD Bank was low bid with a rate of 2.1% per annum. (Beneficial Bank was 2.49%, Citizens Bank 2.50%) Council awarded the note to TD Bank during the meeting for the adoption of the final budget. Paperwork was completed the first week of January and the note was funded on January 12.

Mr. Poole said that his last item was one of their annual things. He said that for the Annual State/County Reports, the Borough Office is preparing numerous state and county annual reports that will be delivered to their respective agencies when completed.

Councilwoman Berry asked Mr. Poole if he received anything regarding the 2010 census.

Mayor Kelly said that Council is welcome to join the meeting on Thursday, February 4<sup>th</sup> from 8am-9:30am. He said that he asked anyone if they would like to attend, and Tony Casadei said that he would attend. He said that they would be talking about getting exact counts and that they would get more information at the meeting. He said that he would make sure that the Borough Manager makes a copy as soon as he returns from the meeting. He said that it's very important because as it says in the letter, the Federal government distributes more than \$400 billion to State, Local & Travel governments based on census data.

Councilwoman Berry asked if he could please pass along the information as he receives it.

Mayor Kelly assured that he would.

### **Engineer's Report:**

A motion was made by Councilman Martin to accept the Engineer's Report as presented; seconded by Councilwoman Papale; and carried unanimously by a vote of 8-0.

### **Solicitor's Report:**

Mr. Catania requested an Executive Session at the conclusion of tonight's meeting to discuss labor & personnel matters.

Mr. Catania explained that they had one administrative action that they received from the Engineer, which was a request for authorization for the Engineer's office to prepare and submit the annual Liquid Fuels County Aid application forms. He said that is an action that they could complete by role call vote.

A motion was made by Councilman Martin to authorize the Engineer's Office to prepare and submit the annual Liquid Fuels County Aid application forms; seconded by Councilwoman Berry; and carried unanimously by a role call vote of 8-0.

### **Administrative Action:**

President Casadei announced that they had an administrative action from the Engineer to approve the release of funds for Couzins, Inc. of North Wales, PA in the amount of \$4,993.48 representing the final payment for work completed on the 2009 Road Improvement Program.

A motion was made by Councilman Martin to approve the release of funds; seconded by Councilwoman Berry; and carried unanimously by a vote of 8-0. (Resnick – yes, Alpini – yes, Berry – yes, Martin – yes, Penjuck – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

### **Old Business:**

No old business.

### **New Business:**

Councilman Martin said that he had something that was rather exciting and very important. He said that through the efforts of their good friend, State Representative Nick Micozzie, the Clifton Heights Economic Development Corporation has a letter of guarantee for 3 million dollars and that \$3 million could very easily turn into 5 million dollars. He said that they didn't receive the \$3 million but received a letter that said that the money is in Harrisburg for the projects that they have outlined. He said that it was a great job that the Economic Development Corporation did because they are all volunteer members that have businesses and lives and they take a lot of time out of those things to go to these meetings. He said that they didn't get it done without their friend Nick Micozzie who really did a good job. He said that doesn't count the \$1.6 million that they already received and that there is another couple hundred thousand dollars around

somewhere. He said that he is really excited and proud of the people who worked to bring that in. He also thanked Solicitor Catania for doing a lot of legal work on that.

Councilman Alpini asked that since they got \$3 million if they could back off that \$200,000 CBGB grant they were going to give them.

Councilman Martin said that he doesn't know but he doesn't think so. He said that it wouldn't be fair for him to speculate.

Councilman Alpini said that it doesn't make sense that they would get \$3 million and they have to give up \$200,000.

Councilman Martin said that they would be receiving the benefit of the work completed with the \$3 million.

### **Ward Reports:**

#### **First Ward:**

Councilman Resnick had nothing to report for the ward but apologized for being late.

Councilwoman Papale complimented the Highway Department on the great job that they did with the snow removal. She said that it was wonderful when she could get to work without any problems even if the other townships may not have done quite as good a job.

#### **Second Ward:**

Councilman Alpini said that he was going to request an Executive Session, but he thinks that Mr. Catania is requesting an Executive Session for the same reason. He asked if there was any progress on the website yet.

Councilman Resnick said that it was fault that they weren't up and running yet.

Councilman Alpini said that he has a family member who happens to be a computer engineer who has offered to volunteer his time. He said that if Council would like to bless him with this project, he would like to get the ball rolling. He asked Mr. Poole what happened to the money that they paid to the Boroughs Association for this website.

Mr. Poole said that he provided all of that information to Harris.

Mayor Kelly asked Mr. Poole how far along he was in the website process when he passed it along to Harris.

Mr. Poole said that he had all of the information and that they were working on the format and now it's a matter of getting the information on the site.

Councilman Alpini asked if he could take this ball and get it rolling.

Councilman Resnick said that he had no problems with him taking over. He told him that he should be in touch with Chief Senkow to get any old pictures or the like for the site.

Councilman Alpini said that he has to be able to do it faster than 10 years. He said that he forgot to ask this of Kelly Engineers but that the Borough has storm water inlets that are installed in Clifton that never got the pipes. He said that he just found out that they have about 3 more around Broadway Ave. Storm water inlets without any pipes that just literally fill up. He asked if anything was going to be done about them.

Councilman Martin said that those storm water inlets were designed to do exactly what they're doing.

Councilman Alpini said to just fill up and sit there.

Councilman Martin said that they fill up and then run down the street. He said that their purpose is to get the water off. He said that he knows that is the case for the one on Broadway. He said that he shouldn't say that is the case for all of them, but he does have knowledge of that. He said that it was to take the water from one side of the street to the other instead of having it lay in the street.

President Casadei said that there are a lot of them installed throughout Delaware County like that. He said that they were put there purposefully, but why he does not know.

Councilman Alpini asked if they had ever received any pricing for fixing the couple of parking lots. He said that they had talked about their Municipal Parking Lot, the parking lot on Maple Terrace and the parking lot on Ogden Street. He said that the surfaces of those parking lots are horrendous and he's afraid of people getting hurt. He asked if they ever did anything.

President Casadei said that they would have to check in the budget and if it was in the budget then they would do it no problem.

Councilman Alpini asked if they were moving forward to get pricing on this or if this was something that they needed to ask the Engineer to get pricing on.

Councilwoman Berry said that in the spring they were talking about doing the sidewalks. She said that they should get that done and then address the parking lots.

Councilman Alpini asked if they were going to get the hot patch machine again. He asked if they had any luck with that.

Councilman Martin said that he was pretty sure that Jim Kelly had said that the hot patch man had been contacted. He said that he assumed that they were waiting on a date to be scheduled.

Councilman Alpini said that he looked over on Church Street and that those potholes are away from the curb and growing. He asked if he could add those onto the list so that the guy could address those when he comes in with his hot machine before someone falls.

President Casadei asked if the Highway Department had addressed them.

Councilman Alpini said that what they did washed away in the first storm.

President Casadei said that this is something that they would have to address with J.P. Kelly when they are ready to come in.

Councilwoman Papale said that they should have the Borough Manager call J.P. Kelly tomorrow to see if they can get something scheduled.

Councilman Martin said that all that they would have to do is tell the guy what they want done, and it wouldn't be a big deal.

Councilman Alpini asked if they as a table needed to authorize J.P. Kelly to get the hot patch guy in to address these spots before someone gets hurt.

President Casadei said that they already gave J.P. that authority.

Councilwoman Berry asked Mr. Poole to check in with J.P. to see where that stands.

Councilman Alpini asked if they also needed to authorize J.P. to get some pricing on the two parking lots.

President Casadei said that they already decided that at the last meetings that when they get the funding they will go ahead with it.

Councilman Resnick said that the Ogden Street Parking Lot is where SEPTA will be parking all of their heavy machinery when they come back in this summer to work on the trolley tracks. He said that it wouldn't be wise to black top something to have heavy machinery on.

Councilman Alpini asked if they could do something with the one on Maple Terrace.

Mayor Kelly said that it was his understanding that that is why the hot patch was coming in.

Councilman Martin said that he thought this was the fifth time that they have discussed this.

Councilman Alpini said that he hasn't seen anything happen.

Councilman Martin said that they haven't come yet but it was agreed on. Councilman Martin said that the hot patch guy won't come in on a per hole basis, but we will have him for the day when he comes in. He said that he'll come in for the day and work until he has the holes filled. He said that it took him two days the last time he was in.

Councilman Alpini said that was excellent and they didn't have to authorize Mr. Poole any further.

Mr. Poole said that he would contact J.P. to see about the scheduling.

Councilwoman Berry said that she had nothing to report but wanted to thank the highway and sanitation departments for a job well done with the snow. She said that she goes into Philadelphia everyday and getting out of and coming into Clifton was a pleasure, and Lansdowne wasn't bad but once she got to the tracks if Philadelphia it was not so nice. She said that it was nice to know that their guys take care of their highways. She congratulated the decoration winners on a job well done. She said that she drove around judging the lights and was very impressed. She wished everyone a happy New Year.

### **Third Ward:**

Councilman Martin said that he had nothing to report on the ward but agreed that the snow removal was good. He said that there were some difficulties on the streets that are cul-de-sacs, but there's really nothing that they can do to change that because that there were only so many places that you could push the snow. He said that it was frustrating for people who live on cul-de-sacs and he knows because he lives on one. He said that he would like to address one thing. He said that they have heard quite a few times about people's criticism of them not being able to control the expenses. He said that when those statements are made that those uncontrolled expenses are expenses that cannot be controlled by Council. They are costs that are passed along to Council. For example, gasoline which can go up exponentially; he said that when they budget that in the beginning of the year at x amount of dollars per gallon and then halfway through the year, the price jumps 50 cents per gallon, that's an uncontrolled expense. He said that Blue Cross & Blue Shield, you write it into your budget as x amount of dollars per year, and then you receive a letter that says that the costs are going up 40%.

President Casadei said that he thinks that this was explained in the paper and that everyone community that raised taxes had the same issues.

Councilman Martin said that he is not explaining the tax increase; he is explaining the statement that they cannot control the expenses and that it is true that they cannot control the costs.

President Casadei said that it was 28 or 29 communities in the same boat in the paper.



President Casadei said that the highway department did a job well done. He said that he had to travel to neighboring communities which were a disaster compared to Clifton Heights.

Councilman Alpini asked if they had to bring in any outside contractors.

President Casadei said no, all of their own employees did it.

#### **Fourth Ward:**

Councilman Penjuck had nothing to report but wished everyone a healthy and happy New Year.

Councilwoman Tumolo thanked everyone for the snow removal and said that all of the decorations were beautiful and thanked everyone. She wished everyone a Happy New Year.

Councilman Martin said that they forgot to mention what a great Christmas Party they had up at the Clifton Heights Fire House this year. He said that this year's party was way beyond anyone's imagination. He said that it was unbelievable and wall to wall people that showed up and everyone had a great time.

Councilwoman Tumolo announced that there was a 4<sup>th</sup> of July meeting tomorrow night at 7pm if anyone was interested in attending.

#### **Closing Public Comment:**

Fred Rich, 82 Chester Ave., said that Mr. Martin mentioned uncontrolled expenses. He said that there are 49 municipalities in Delaware County, and all of the other municipalities and Boroughs have the same problems that we do, so he wanted to know why our expenses are 11.5 mills, far higher than most of the other Boroughs that have the same problems. He asked why the millage rate was so high.

Mayor Kelly said that he didn't want to belabor this anymore but that Mr. Rich only reads part of it. He asked if any of those municipalities had an income tax.

Mr. Rich said that some of them do and some of them don't.

Mayor Kelly asked what their average assessed value was.

Mr. Rich said that the only Boroughs, not townships, that are higher than Clifton Heights are Darby, Colwyn and Millbourne. He asked why they were so high. He asked about all of these other Boroughs – Glenolden, Parkside, Brookhaven. He said that they have a better millage rate.

Mayor Kelly asked if Glenolden has an income tax.

Mr. Rich said that he doesn't know if they do or not. He asked why their millage rate was so high.

Mayor Kelly said that it was because he couldn't figure it out.

Mr. Rich said that they were the ones that they elected and that if they are saying that they cannot control the expenses then everyone who voted for this should think about resigning and getting competent people on Council that can control the expenses.

#### **POST EXECUTIVE SESSION:**

Mr. Catania said that as a result of what was discussed in the Executive Session, there were 3 items for Council to consider. He said that the first was to end the employment of Robert Poole as the full-time manager effective 30 days from today.

A motion was made by Councilman Martin to end the employment of Robert Poole as the full-time Borough manager effective 30 days from today; seconded by Councilwoman Berry; and carried unanimously by a role call vote of 8-0. (Resnick – yes, Alpini – yes, Berry – yes, Martin – yes, Penjuck – yes, Tumolo – yes, Papale – yes, Casadei – yes.)

Mr. Catania said that the 2<sup>nd</sup> item was to appoint Anthony Tartaglia as part-time Borough Manager, not to exceed 20 hours per week at \$25 per hour for a period of 30 days effective tomorrow.

A motion was made by Councilwoman Berry to appoint Anthony Tartaglia as part-time Borough Manager, not to exceed 20 hours per week at \$25 per hour for a period of 30 days effective tomorrow; seconded by Councilman Resnick; and carried by a role call vote of 7-1. (Resnick – yes, Alpini – yes, Berry – yes, Martin – yes, Penjuck – yes, Tumolo – yes, Papale – no, Casadei – yes.)

Mr. Catania said that the 3<sup>rd</sup> item was to authorize the Solicitor and the Borough officials to advertise the availability of the position of Borough Manager with responses requested within 14 days to allow Council the time to receive applications and act on a permanent position on or before the next Council meeting. That advertisement would require that the resumes be sent to the office of Mr. Resnick and be received within 14 days,

A motion was made by Councilwoman Papale to authorize the Solicitor to advertise for the availability of the position of Borough Manager; seconded by Councilman Penjuck; and carried unanimously by a vote of 8-0.

Mr. Catania said that the final item that they discussed during the Executive Session was a potential litigation matter with the Darby Creek Authority, which they will revisit at the next Council Meeting.

Councilman Martin said that for the record he would like to state that the decision to let Mr. Poole go had nothing to do with his work ethic, it was just business.

**Adjournment:**

A motion was made by Councilman Martin to adjourn; seconded by Councilwoman Papale; and carried unanimously by a vote of 8-0.

Respectfully Submitted,

Kimberly A. Duffy  
Clifton Heights Borough Secretary